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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,119	03/25/2004	Victor W. Lee	42P17402X	8052

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EXAMINER

BAE, JI H

ART UNIT

PAPER NUMBER

2115

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/810,119

Applicant(s)

LEE ET AL.

Examiner

Ji H. Bae

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

Claim 12 is objected to because of the following informalities: there is a typographical error in line 4 ("selectivity"). Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-11 and 14-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, the limitation reads "wherein selectively powering down components associated with the payload portion of the message." The language of this claim makes it unclear what feature the applicant intends to claim. Examiner infers several possible intended meanings. For example:

- "wherein selectively powering down components associated with the payload portion of the message **comprises** [some additional limitation]..."
- "wherein selectively powering down components comprises selectively powering down components associated with the payload portion of the message."

Regarding claim 6, applicant has recited "a received command" in line 2. Examiner notes that a "received command" has been previously recited in claim 1. Applicant is encouraged to use appropriate language to distinguish between previously recited limitations and newly recited ones (for example, "a first received command" versus "a second received command").

Regarding claim 11, the limitation reads "wherein selectively powering up components based on result of comparing the first and second values." This claim is rejected on grounds similar to the rejection of claim 5.

Regarding claim 14, the claim recites that the activity monitor transmits the command to the first device. However, the parent claim recites that the first device comprises an activity monitor. Claim 14 appears to conflict with claim 13, in that the examiner fails to see how an activity monitor "transmits" a command to a first device, when the activity monitor is itself part of the first device. Moreover, this claim does not appear to be supported by the applicant's specification, which teaches that the data link layer of the "first device" receives a command from the link activity monitor or the protocol layer [paragraph 32]. The description in the specification is something entirely different from what is being claimed, since the specification teaches the passing of a command between different layers of a network protocol stack implemented on the same device, as opposed to a command being "transmitted" to the device from a source outside of the device.

Regarding claim 15, the claim recites the limitation "the sideband portion" and "the payload portion" in line 2. There is insufficient antecedent basis for this limitation in the claim. There is no prior recitation of a sideband or payload portion in the claim or its parent.

Regarding claim 16, applicant has recited that "the first device reformats the message based on a received command". The claim is rejected on grounds similar to the rejection of claim 6.

Regarding claim 22, the claim recites the limitation "the formatted signal" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim. There is no prior recitation of a formatted signal in the claim or its parent.

Regarding claim 23, the claim is rejected on grounds similar to claim 15.

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Regarding claim 24, the claim is rejected on grounds similar to claim 6 and 16.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Gulick et al., U.S. Patent No. 7,051,218 B1.

Regarding claim 1, Gulick teaches a method comprising [Fig. 8, col. 13, lines 10-55]:  
formatting a message [STPCLK message, step 807] based on received command [step 805];

transmitting the formatted message; and

selectively powering down components based on the formatted message [step 815].

Regarding claim 2, Gulick teaches the receiving of a command [step 805].

Regarding claim 3, Gulick teaches:

setting bits in a payload portion of the message [Fig. 7, SysMgtCmd]; and

assigning a first value to sideband portion of the message [other fields in Fig. 7].

Regarding claim 4, Gulick teaches analyzing the formatted message for error [col. 10, lines 33-34].

Regarding claim 5, Gulick teaches powering down components associated with the payload portion of the message [stop grant state, step 815, Fig. 8].

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Regarding claim 6, Gulick teaches [col. 15, lines 15-36]:

reformatting the message based on a received command; and

transmitting the reformatted message; and

selectively powering up components based on the reformatted message.

Regarding claim 7, Gulick teaches receiving a command.

Regarding claim 8, Gulick teaches:

setting bits in the payload portion of the message; and

assigning a second value to the sideband portion of the message.

Regarding claim 9, Gulick teaches analyzing the reformatted message for error.

Regarding claims 12-27, Gulick teaches the method of claims 1-11. Gulick also teaches the apparatus and system to implement the method. Gulick also teaches:

- a first and second device [I/O hub, host bridge, processors]<sup>1</sup>
- an activity monitor [I/O hub monitors for a STPCLK condition]
- a second device transmitting an acknowledgement signal to the first device
- a microprocessor [Fig. 3, processor].

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

McHann, Jr, U.S. Patent No. 5,983,353;

Novoa et al., U.S. Patent No. 6,493,824 B1;

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<sup>1</sup> Gulick teaches two levels of communication (I/O hub to/from host bridge and host bridge to/from processors). Analogous communication occurs in both layers, where a STPCLK message is transmitted to a receiving device, and the receiving device sends back an acknowledgement to the transmitter. Given

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Gallagher et al., U.S. Patent No. 5,396,636;

Brown et al., U.S. Patent No. 5,450,073;

Torikai et al., U.S. Patent No. 6,587,953 B1;

Muller et al., U.S. Patent No. 6,639,905 B1;

Naveh et al., U.S. Patent Application Publication No. 2004/0210778 A1;

Wright et al., U.S. Patent No. 6,816,976 B2;

Schelling, U.S. Patent No. 6,954,864 B2;

Angelo et al., U.S. Patent No. 6,119,228;

Komrmusch et al., U.S. Patent No. 7,039,819 B1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji H. Bae whose telephone number is 571-272-7181. The examiner can normally be reached on Monday-Friday, 10 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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the breadth of applicant's claim and the similarity of the transactions at both levels of communication in Gulick's system, both levels teach the required elements of applicant's claims.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Handwritten signature of Ji H. Bae, consisting of a large, stylized loop followed by a horizontal line.